

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PROOF OF SERVICE

-----X
MARINKA PESCHMANN,

Plaintiff,

-against-

BLOGTALKRADIO, INC., CINCHCAST, INC.,
STEPHEN QUAYLE, DOUGLAS HAGMANN,
AND DOES 1-20,

Defendants.
-----X

CIVIL ACTION NO.:
15-CV-09504-PGG

Request for
A Time Extension
First Request

Pro Se Intake Unit
United States District Court
Southern District of New York
500 Pearl Street, Room 200
New York, New York 10007

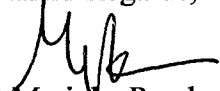
January 9, 2017

Dear Pro Se Intake Unit:

I'm Plaintiff *pro se*, Marinka Peschmann. Enclosed please find for filing the proof of service with my letter to the Honorable Paul Gardephe dated January 9, 2017 which was faxed to his chambers and emailed to Counsel of record.

As always, thank you.

Kind Regards,



Marinka Peschmann
Plaintiff *pro se*
PO Box 45094 Port Credit
Mississauga, Ontario L5G 4S7 Canada
646-929-4132, marinkapm@aol.com
Fax: 917-732-7754
Enclosures

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1-18-17
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VIA FACSIMILE: (212) 805-7986
The Honorable Paul G. Gardephe
United States District Judge,
Southern District of New York, 40 Foley Square, Room 2204,
New York, New York 10007

January 9, 2017

Re: *Marinka Peschmann v. BlogTalkRadio, Inc., et al.*, 1:15-cv-09504-PGG

Dear Judge Gardephe:

I am Plaintiff *pro se* Marinka Peschmann ("Plaintiff") in the above-referenced action. I am writing Your Honor in regards to Counsel for BlogTalkRadio, Inc. ("BTR") and Cinchcast, Inc. ("Cinchcast") Ms. Jane Arnone's Declaration at Dkt. No. 64 which was filed on Saturday.

Forgive me if I have made a mistake regarding not filing a separate opposition to Defendants BTR and Cinchcast's Motion to Dismiss.

I did not file a separate opposition because Bruce S Rosen, Counsel for Defendants Stephen Quayle and Douglas Hagmann, had told me the following via email when I sought an extension to address both oppositions:

"Our office is open. Happy to give you 30 additional days. You've already lost Jane's motion as the judge already found the CDA protected her client, so really it's your time to waste."

If the Court wishes to review my email exchange with Bruce S Rosen, please order me as to how to best submit our exchange to the Court.

As Counsel for BTR and Cinchcast correctly noted in her declaration, in my Opposition to Defendants Quayle and Hagmann's motion to dismiss, I recognized the Court's decision based upon my original complaint (with the counts of Defamation and the Intentional Infliction of Emotional Distress and the Communications Decency Act's Section § 230), however Counsel is incorrectly assumptive regarding me conceding to the Court that BTR and Cinchcast should be dismissed *with prejudice* based on my first amended complaint.

If I was not clear, may I clear up any misunderstandings? I absolutely do not concede that the Court would have made the same decision concerning remand or on a motion to dismiss had my first amended complaint been my original complaint, in part, based upon *Barnes v. Yahoo*.

In addition, at the time when I filed my amended complaint, I did not know the Court was required to rule on remand based upon my original complaint. I also did not know about the removal process when I filed this lawsuit.

Your Honor, I have made a terrible mistake believing Defendants Quayle and Hagmann's Counsel concerning BTR and Cinchcast's motion to dismiss, and I will not make any excuses for my error. It is what it is.

As such, to conserve this Court's precious time, instead of requesting another extension to file my opposition to Defendants BTR and Cinchcast motion to dismiss, or by filing another motion to request a surreply, if it is proper, I respectfully request that BTR and Cinchcast's motion be granted without prejudice as cyber law is far from settled.

I would rather "lose" BTR and Cinchcast without prejudice with my head held high, then "win" as experienced Counsel has "won," in part, by filing verifiable false statements in this proceeding, by tripping up a *pro se* who has never been in Federal Court before, while knowing that Defendants Quayle and Haggmann's tortious conduct has not ceased on BTR and elsewhere, while they treat this Court proceeding like they conduct themselves in the alternative media.

Thank you, Your Honor.

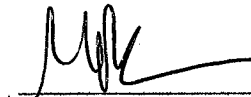
Finally, I sincerely hope the Court will grant Bruce S Rosen's oral argument request. I look forward to coming from Canada to appear before this Court with additional evidence for the Court's review.

I look forward to the Court's forthcoming ruling on my Opposition to Defendant Quayle and Haggmann's motion to dismiss. This case is a straight forward case. It certainly does not involve "pageantry" as Bruce S. Rosen would like the Court to believe.

It will hopefully play a role in making the Internet a safer and most honest place, not only for my sake, but for scores of other individuals who are being harmed by "truth tellers" on the Internet who peddle in fear porn disguised as news, or as it is currently being called, since I filed this action, "fake news" that millions of people seriously and literally believe.

Thank you again, Your Honor.

Respectfully,



Marinka Peschmann, Plaintiff *pro se*
PO Box 45094 Port Credit, Mississauga
Ontario L5G 4S7, Canada
646-929-4132, marinkapm@aol.com
Fax: 917-732-7754

cc: Counsel on record via email
Bruce S. Rosen
Jane W. Arnone

From: NoReply <NoReply@MyFax.com>
To: marinkapm <marinkapm@aol.com>
Subject: Successful transmission to 12128057986. Re: UNKNOWN
Date: Mon, Jan 9, 2017 10:42 am



Hi Marinka,

Re: UNKNOWN

The fax you sent through MyFax to 12128057986 was successfully transmitted.

Fax Details

Reference Id:	Ltr Regarding Opposition to BTR and Cinchcast
Date:	2017-01-09 15:42:40 (GMT)
Number of Pages:	2
Length of Transmission:	119 seconds

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From: Marinkapm <Marinkapm@aol.com>

To: janeweisbecker <janeweisbecker@gmail.com>

Cc: brosen <brosen@marc-law.com>

Subject: Peschmann v. Blogtalkradio, Inc., et al.

Date: Mon, Jan 9, 2017 10:50 am

Attachments: Ltr to Judge regarding Opposition to BTR and Cinchcast.pdf (903K)

Good morning,

I faxed the attached letter to our Judge regarding Docket No. 64. I hope it will speed up that part of the lawsuit, and conserve time for the Court and for Ms. Arnone.

All best,

Marinka Peschmann
Plaintiff *pro se*

M. Pashchyn
P.O. Box 45094 Port Credit
Mississauga, Ontario L5G 4S7
Canada



PRO Se Unit
United States District Court
Southern District of New York
500 Pearl St. Room 200
New York, NY 10007

Re: Proof of Service

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